

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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IRWINA. POPOWSKY
Consumer Advocate

April 5, 2010

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

RE: Proposed Policy Statement Regarding
Utility Service Outage Public Notification
Guidelines
Docket No. M-2008-2065532

Dear Secretary McNulty:

Enclosed for filing are the Comments of the Office of Consumer Advocate, in the above-referenced proceeding.

Should you have any questions, please contact our office at the telephone number above.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Candis A. Tunilo".

Candis A. Tunilo
Assistant Consumer Advocate
PA Attorney I.D. # 89891

Enclosures

cc: Elizabeth Barnes, Assistant Counsel, LAW Bureau – electronic service only

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Policy Statement	:		
Regarding Utility Service Outage	:	Docket No.	M-2008-2065532
Public Notification Guidelines	:		

COMMENTS OF THE
OFFICE OF CONSUMER ADVOCATE

The Office of Consumer Advocate (OCA) files these Comments in support of the Proposed Policy Statement Regarding Utility Service Outage Public Notification Guidelines, 40 Pa. B. 1203 (March 6, 2010) (Policy Statement), which was entered by the Pennsylvania Public Utility Commission (Commission) on November 10, 2009 and published in the Pennsylvania Bulletin on March 6, 2010.

I. INTRODUCTION

The Commission issued this policy statement in the aftermath of Hurricane Ike. On September 14 and 15, 2008, Hurricane Ike swept through the Commonwealth causing interruptions in electric service to over 450,000 customers. Soon after Hurricane Ike, the Commission issued a Secretarial Letter seeking information from all jurisdictional electric distribution companies (EDCs) regarding their service restoration and public notice practices.¹ The EDCs filed their responses. The Commission also initiated an investigation into EDCs' service outage responses and restoration practices. As part of its investigation, the Commission

¹ See Joint Motion of Vice Chairman Tyrone J. Christy and Kim Pizzingrilli at Docket No. M-2008-2065532 (Sept. 25, 2008).

convened two public input hearings in western Pennsylvania in order to provide an opportunity for customers to be heard regarding the Hurricane Ike service interruption and EDCs' responses thereto.

On April 20, 2009, the Commission adopted a report entitled *Electric Distribution Company Service Outage Response and Restoration Practices Report* (Report), which was submitted by the Bureau of Conservation, Economics and Energy Planning and the Office of Communications. Also on April 20, 2009, the Commission adopted a Joint Motion of Vice Chairman Tyrone J. Christy and Commissioner Kim Pizzigrilli to initiate a rulemaking proceeding to revise regulations on service outage and reportable incidents. This Joint Motion also directed that this Proposed Policy Statement be issued.

The Commission issued the related Proposed Rulemaking Order for Revision of 52 Pa. Code Chapters 57, 59, 65 and 67 Pertaining to Utilities' Service Outage Response and Restoration Practices. That Order was also published on March 6, 2010, 40 Pa. B. 1210. Proposed Rulemaking for Revision of 52 Pa. Code Chapters 57, 59, 65 and 67 Pertaining to Utilities' Service Outage Response and Restoration Practices, Docket No. L-2009-2104274.

During its investigation in the aftermath of Hurricane Ike, the Commission determined that utilities were not keeping open, predictable and timely lines of communication with their customers. Policy Statement at 3. Further, the information the customers were receiving from utility personnel was not consistent. Id. at 3-4.

In order to address these issues, the Commission proposes that a policy statement, which is similar to one already adopted for water/wastewater utilities, be adopted for EDCs. Id. at 6. The purpose of the policy statement is to provide guidance to EDCs regarding the types of public notice necessary to meet the reasonableness standard of 66 Pa.C.S. § 1501. Id. at 7. Also,

the policy statement is intended to help ensure that actual, timely notice to customers is provided by EDCs whenever an event causes a service interruption or endangers public safety. Id.

II. COMMENTS

The OCA files these Comments in support of the proposed policy statement, which is both consistent with and complementary to the Commission's other efforts in these important areas.

A. Section 69.1901.

The Commission identifies its objective for the policy statement in Section 69.1901, which is that it applies to EDCs. However, the Commission also invites comments regarding whether the policy statement should also apply to all utilities. Policy Statement at 7. The OCA submits that the policy statement should apply to all utilities to the extent possible. Doing so will provide consistency for customers of all utilities as to where and when to obtain information regarding service interruptions.

B. Section 69.1902

1. Section 69.1902(a): Acceptable methods of public notification

The Commission sets forth guidelines for customer notification of service interruptions in Section 69.1902. Subsection (a) sets forth the acceptable methods of public notification of service interruptions, which include facsimile/email, websites, emergency phone lines, integrated voice response system, automated dialer system, doorknob flyers, text messaging and the emergency alert system. Utilities are encouraged to use the method most appropriate for the situation. Further, in relation to this subsection, the Commission is considering developing a page on its website whereby EDCs could upload outage information twice daily. Policy Statement at 8.

The OCA generally supports these recommendations. The OCA has two suggestions, however, regarding these public notification methods. First, as to subsection 69.102(a)(3) regarding the use of automated dialer systems, the proposed Policy Statement suggests that a customer may have only one number in the automated dialer system (i.e., landline or wireless phone number). To the extent that a utility has the ability to maintain more than one telephone contact number in the automated dialing system, it may be better for customers to include both numbers so that there is more opportunity to reach customers with urgent messages regarding public safety. Since many phones and answering machines do not operate during an electric outage, it may be difficult to provide information to customers through automated dialing if only one line is included in the system.

In its Order, the Commission also requests comments on the Commission maintaining a page on the Commission's website devoted to outage information that would be updated twice daily. The OCA submits that a Commission webpage, in addition to the utility web pages, would be helpful, but that in some emergency cases, more frequent updates may be needed than twice daily. More frequent updates will better provide affected customers with the most recent, timely information wherever and whenever they would be able to access the web page during an outage.

2. Section 69.1902(b).

Subsection (b) encourages utilities to adopt the National Incident Management System (NIMS) and its Public Information System. Id. The Commission asserts that doing so will provide a utility with the tools to organize all information throughout its system into one, unified message to customers. Further, if more than one EDC is affected in the same geographic region, the Commission encourages such EDCs to implement the NIMS-based Joint Information

System/Joint Information Center. Policy Statement at 9. Doing so would allow coordination of information, especially with regard to universal messages to customers regarding safety. Id. Additionally, the Policy Statement indicates that EDCs should have public notice templates prepared in advance in order to avoid wasting critical time developing materials when confronted with an interruption and/or emergency situation. Id. The OCA supports these recommendations, and would note that all utilities, both small and large, could conceivably use those same sources to mitigate the costs of compiling such templates.

3. Section 69.1902(c).

Subsection (c) states that EDCs should station one contact person in the affected service area during an incident to communicate with the public and media in order to provide one, consistent message. Id. In order to further maintain consistency in communication, an information sheet with talking points should be provided to all utility personnel that might come in contact with the public during an outage. This information should also be provided to the Commission's Office of Communications, its Emergency Preparedness Coordinator and County Emergency Management Agencies. Policy Statement at 9-10. The OCA supports these recommendations.

III. CONCLUSION

The OCA commends the Commission for its response to the large electric service outage in the wake of Hurricane Ike. The proposed Policy Statement articulates multiple recommended forms of current notice to the public, using both traditional and newly available methods. The proposed Policy Statement also complements the Commission's efforts to clarify its regulations in these important areas.

The OCA supports the adoption of the proposed Policy Statement, with certain modifications discussed above, and submits that it should be applicable to all utilities.

Respectfully Submitted,



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Dated: April 5, 2010
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